

**OPINION  
56-33**

**July 19, 1956**

**CITIES—Special Street Lighting—Bids**

This is in reply to your letter of 17 July 1956 requesting an opinion of this office in re the necessity of competitive bidding in the construction of a special street lighting system.

You inform us that in its budget for the year ending 30 June 1957 your city contemplates an appropriation of general tax moneys to pay for the installation of a new street lighting system, presumably under chapter 40-30 of the North Dakota Revised Code of 1943. Your specific question is whether or not the city need advertise for bids for the work.

Assuming that the system concerned is such special street lighting system and not a municipal utility erected and financed under chapter 40-33 of the North Dakota Revised Code of 1943, we believe the answer to your question must be found in the last sentence of section 40-3002 of the North Dakota Revised Code of 1943 which provides:

“\*\*\*\*If the owners of a majority of the property abutting on any street or streets where such lighting system is to be installed shall not protest against the lighting system or improvement within ten days after the last publication of such notice, the majority of such owners shall be deemed to have consented thereto, and the city may proceed to provide for the construction of the improvement and to assess the cost thereof, or such part thereof as the governing body shall deem proper, against the abutting property in the manner and with the notice and according to the forms and procedure provided in this title for the construction and assessment of street paving.”

Looking then to the **manner** and the **notice** and according to the **forms and procedure** provided in title 40 of the North Dakota Revised Code of 1943 for the **construction of** street paving, we find street paving provided for by chapter 40-22 of the North Dakota Revised Code of 1943. We find specific provision in said chapter requiring that proposals for the work of making improvement provided for in said chapter shall be advertised for by the governing body which advertisement shall specify work to be done, call for bids, etc. (Section 40-2219 of the 1953 Supplement to the North Dakota Revised Code of 1943). It is, therefore, our conclusion that a part of the statutorily prescribed procedure in the acquisition of a special street lighting system, under authority of chapter 40-30 of the North Dakota Revised Code, is the call for bids.